



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2682
www.raleighnc.gov

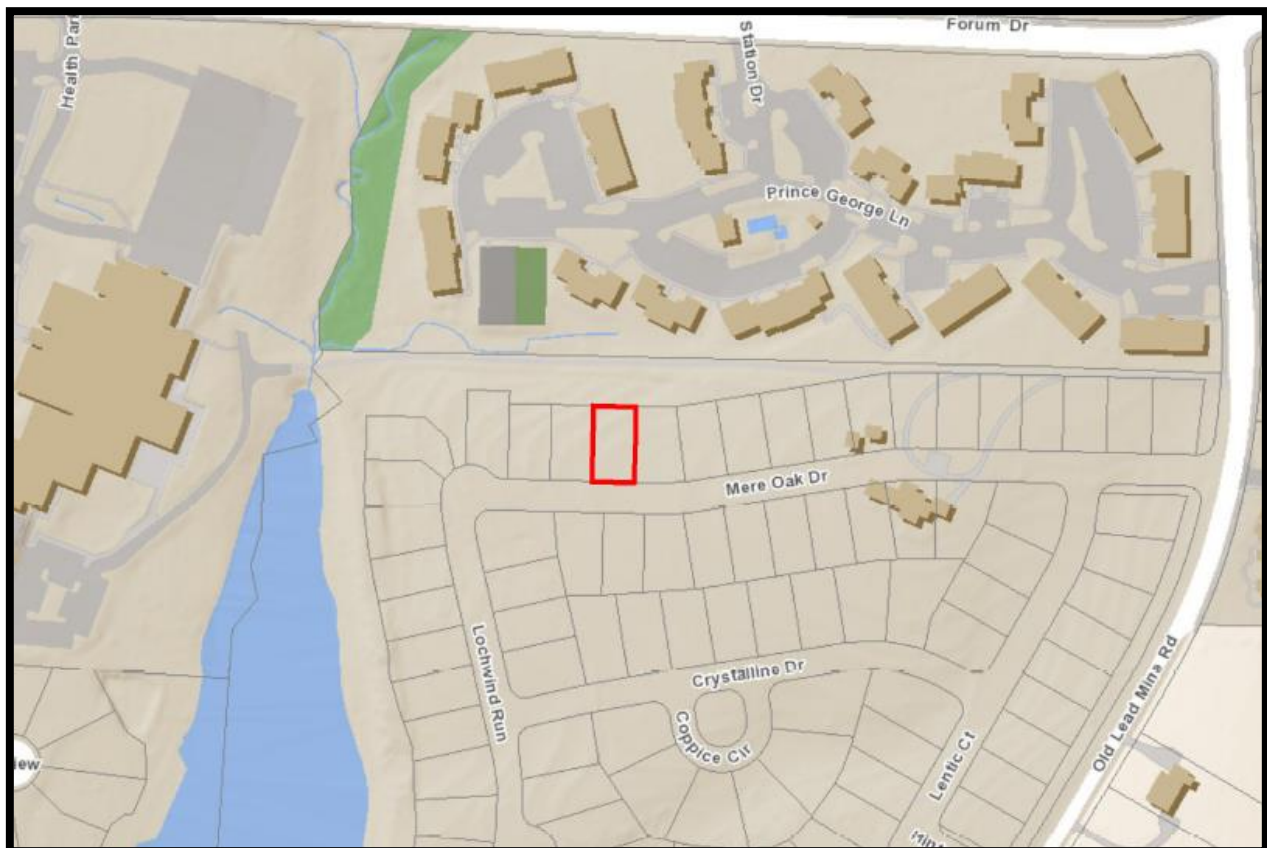
Case File: A-3-18

Property Address: 952 Mere Oak Drive

Property Owner: Joseph and Karen McDonald

Project Contact: Andrew Petesch

Nature of Case: A request for both an 8.6' rear yard setback variance and a 2.2' side yard setback variance to the requirements set forth in Section 2.2.1 and Section 1.5.4.D of the Unified Development Ordinance in order to permit a patio that results in a 3.4' rear yard setback and a 2.8' side yard setback on a .18 acre parcel zoned Residential-6 and located at 952 Mere Oak Drive.

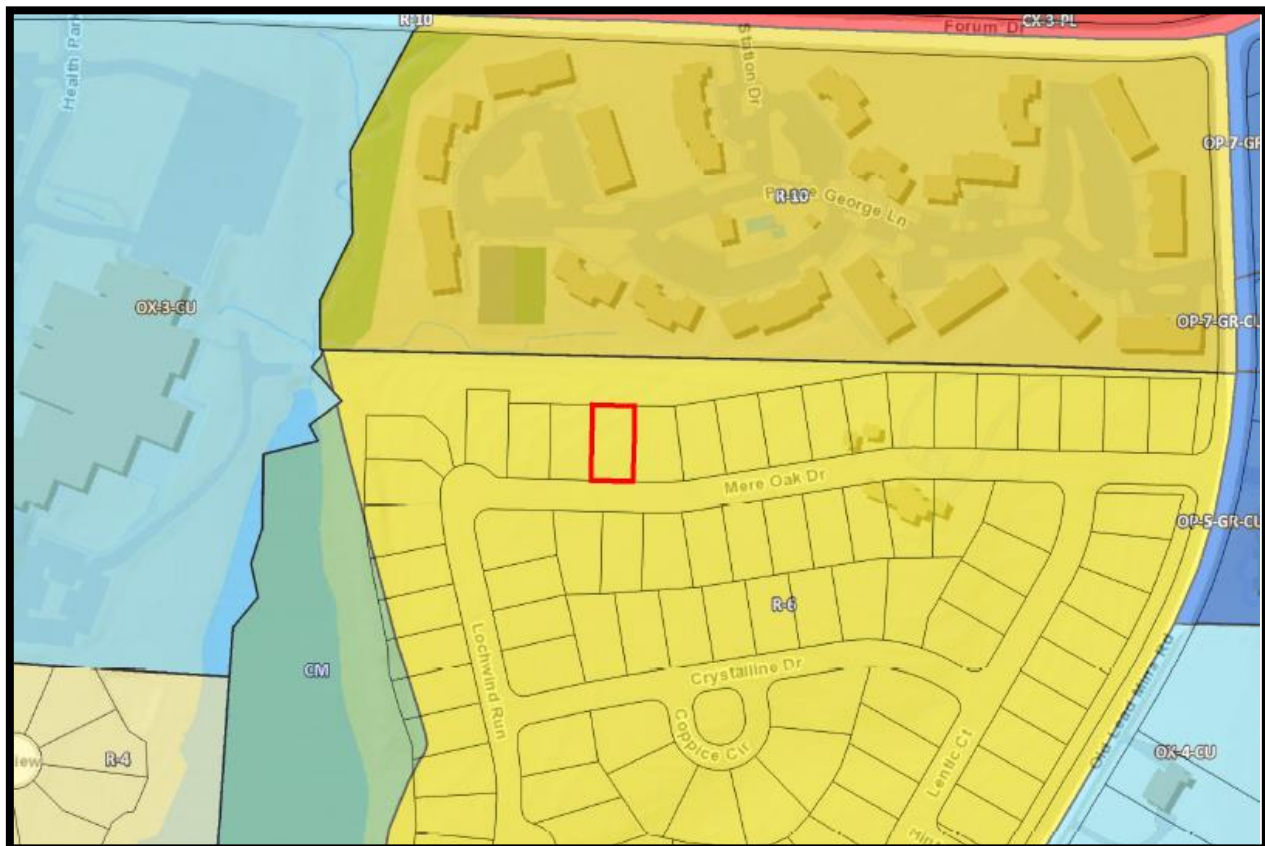


952 Mere Oak Drive – Location Map

To BOA: 1-8-18

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential-6



952 Mere Oak Drive - Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Residential-6

Lot Dimensions – R-6

Area (min)	6,000 SF
Width – interior lot (min)	50'
Width – corner lot (min)	65'
Depth -	80'

Yard Type R-6 **Minimum Setback (Principal Bldg)**

Primary Street	10'
Side Street	10'
Side	5'
Sum of Sides	15'
Rear	20'

Yard Type R-6 **Minimum Setback (Accessory)**

Primary Street	50'
Side Street	20'
Side	5'
Rear	5'

D. Setback Encroachments

All buildings and structures must be located at or behind required setbacks, except as listed below. Underground structures covered by the ground may encroach into a required setback.

1. Building Features

a. Porches (raised structures attached to a building forming a covered entrance) may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.

b. Stoops (small raised platforms that serve as entrances to buildings) may extend up to 6 feet into a required setback, provided that the landing is at least 3 feet from the vertical plane of any lot line. Stoops may be covered but cannot be fully enclosed.

c. Balconies (platforms projecting from the wall of a building with a railing along its outer edge, often accessible from a door or window) may extend up to 6 feet into a required setback, provided that the landing is at least 3 feet from the vertical plane of any lot line. Balconies can be covered but cannot be fully enclosed.

d. Galleries (covered passages extending along the outside wall of a building supported by arches or columns that are open on 1 side), must have a clear depth from the support columns to the building's façade of at least 8 feet and a clear height above the sidewalk of at least 10 feet. A gallery may extend into a required street setback. A gallery may not extend into a required side setback.

e. Chimneys or flues may extend up to 4 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.

f. Building eaves, roof overhangs, awnings and light shelves may extend up to 5 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.

g. Bay windows, oriel, vestibules and similar features that are less than 10 feet wide may extend up to 4 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.

h. Unenclosed fire escapes or stairways may extend up to 4 feet into a required side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.

i. Unenclosed patios, decks or terraces may extend up to 4 feet into a required side setback, or up to 8 feet into a required rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.

j. Cornices, belt courses, sills, buttresses or other similar architectural features may project up to 1½ feet.

k. Handicap ramps may project to the extent necessary to perform their proper function.

l. If a variance is not required, a building feature may encroach into the right-of-way, provided a license for the use of the right-of-way is obtained from the City, which is terminable at will by the City.

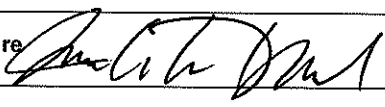
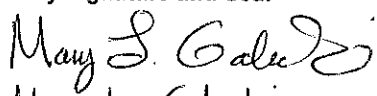

Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST		OFFICE USE ONLY
<p>Nature of variance request (if more space is needed, submit addendum on separate sheet): Applicant seek variance of the UDO's applicable rear and side setbacks for the location of a backyard porch and patio. Additional information provided in attached addendum.</p>		<p>Transaction Number</p> <p>A-3-18</p>
<p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</p>		

GENERAL INFORMATION		
Property Address 952 Mere Oak Drive, Raleigh, NC 27615		Date 12/8/17
Property PIN 1708107989	Current Zoning R-6	
Nearest Intersection Mere Oak Drive & Old Lead Mine Road		Property size (in acres) .19
Property Owner Joseph & Karen McDonald, Trustees	Phone	Fax
Owner's Mailing Address 952 Mere Oak Drive, 27615	Email joemc0566@gmail.com	
Project Contact Person Andrew Petesch, Petesch Law	Phone 919-747-8611	Fax 888-848-9605
Contact Person's Mailing Address 127 W Hargett Ste 500	Email andy@peteschlaw.com	
Property Owner Signature 	Email joemc0566@gmail.com	
<p>Notary</p> <p>Sworn and subscribed before me this <u>8th</u> day of <u>December</u>, 20<u>17</u></p>	<p>Notary Signature and Seal</p> <p> Mary L. Galecki</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">  <p>MARY L. GALECKI Notary Public, North Carolina Franklin County My Commission Expires September 24, 2020</p> </div>	

Variance Addendum

Applicant: Joseph McDonald, Trustee
952 Mere Oak Drive
Raleigh, NC 27615

In support of this variance application and with additional support to be evinced at the hearing before the Board of Adjustment, the Applicant shows the following:

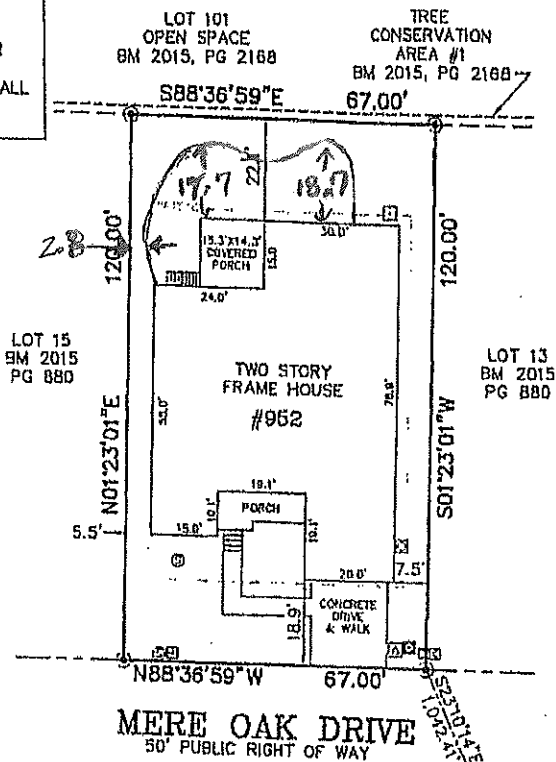
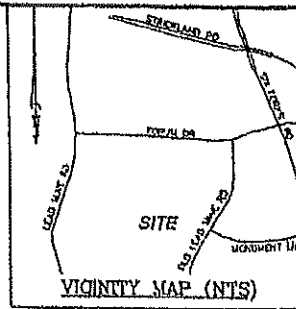
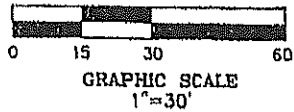
A Unnecessary hardship would result from the strict application of the ordinance. A smaller patio would limit outdoor living space. In addition, the patio has already been constructed by the contractor and considerable expense would be incurred to comply with setback requirements.

B. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Due to the size of the lot, locating a patio in the rear yard in compliance with the applicable setbacks is a challenge.

C.. The hardship did not result from actions taken by the applicant or the property owner. The hardship was created by a contractor who represented that they would obtain the proper permits, but instead went forward with construction leaving the owner with a nonconformity.

D. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved. The subject lot backs up to dedicated open space and is substantially buffered from the adjacent multifamily development such that the protective purpose of the rear setback is not frustrated and the spirit of the ordinance is maintained.

- LEGEND**
- ⊙ IRON PIN, EXISTING
 - IRON PIN, SET
 - ⊗ MARK IN CONCRETE
 - ⊕ MAGNETIC NAIL SET
 - △ MATHEMATICAL POINT
 - ⊕ FIRE HYDRANT
 - ☆ LIGHT POLE
 - ⊕ SEWER CLEANOUT
 - ⊕ SEWER MANHOLE
 - ⊕ A/C UNIT
 - ⊕ WATER METER
 - ⊕ GAS METER
 - ⊕ TELEPHONE PEDESTAL
 - ⊕ CABLE TV PEDESTAL
 - ⊕ ELECTRICAL BOX
 - ⊕ TRANSFORMER
 - ⊕ YARD INLET
 - ⊕ BACK FLOW PREVENTER
 - x- FENCE LINE
 - - - MASONRY RETAINING WALL
 - ▬ SUBDIVISION CONTROL CORNER



SEE NOTES

NOTES:

- REFERENCE WAKE CO. BM 2015, PG 877-884 FOR BOUNDARY INFORMATION, NORTH INDEX & TIE LINES TO SUBDIVISION CONTROL CORNERS.
- ZONING: R-6
- BUILDING SETBACK:
FRONT-18'
SIDE-5' (AGGREGATE 10')
REAR-20'
- LOT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SCALED FROM NIP FIRM #3720170800J, WITH AN EFFECTIVE DATE OF MAY 2, 2006.
- BUILDING DIMENSIONS & TIES ARE TO THE FOUNDATION.
- LOCATION OF UTILITIES ARE BASED SOLELY ON GROUND EVIDENCE.

TOTAL IMPERVIOUS: 4,223 SF
HOUSE: 3,544 SF,
DRIVE/WALK: 460 SF,
COVERED PORCH: 210 SF,
A/C PAD: 9 SF.

FINAL SURVEY FOR LOT 14

MANORS AT OLD LEAD MINE SUBDIVISION PHASE 3
HOUSE CREEK TOWNSHIP, CITY OF RALEIGH, WAKE COUNTY, NC

SURVEYED FOR
JOSEPH G. & KAREN L. McDONALD
952 MERE OAK DRIVE
RALEIGH, NC 27615

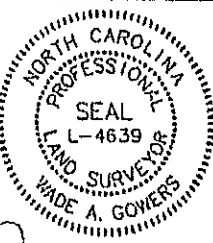


MSS LAND CONSULTANTS, PC
"Committed to Total Quality Service"
Firm License: C-2070
R 3 1 0 0 0

6110 St. Giles St.
(Suite B)
Raleigh, NC 27612

Phone (919) 810-1404
Fax (919) 810-9108
Email: gow@msland.com

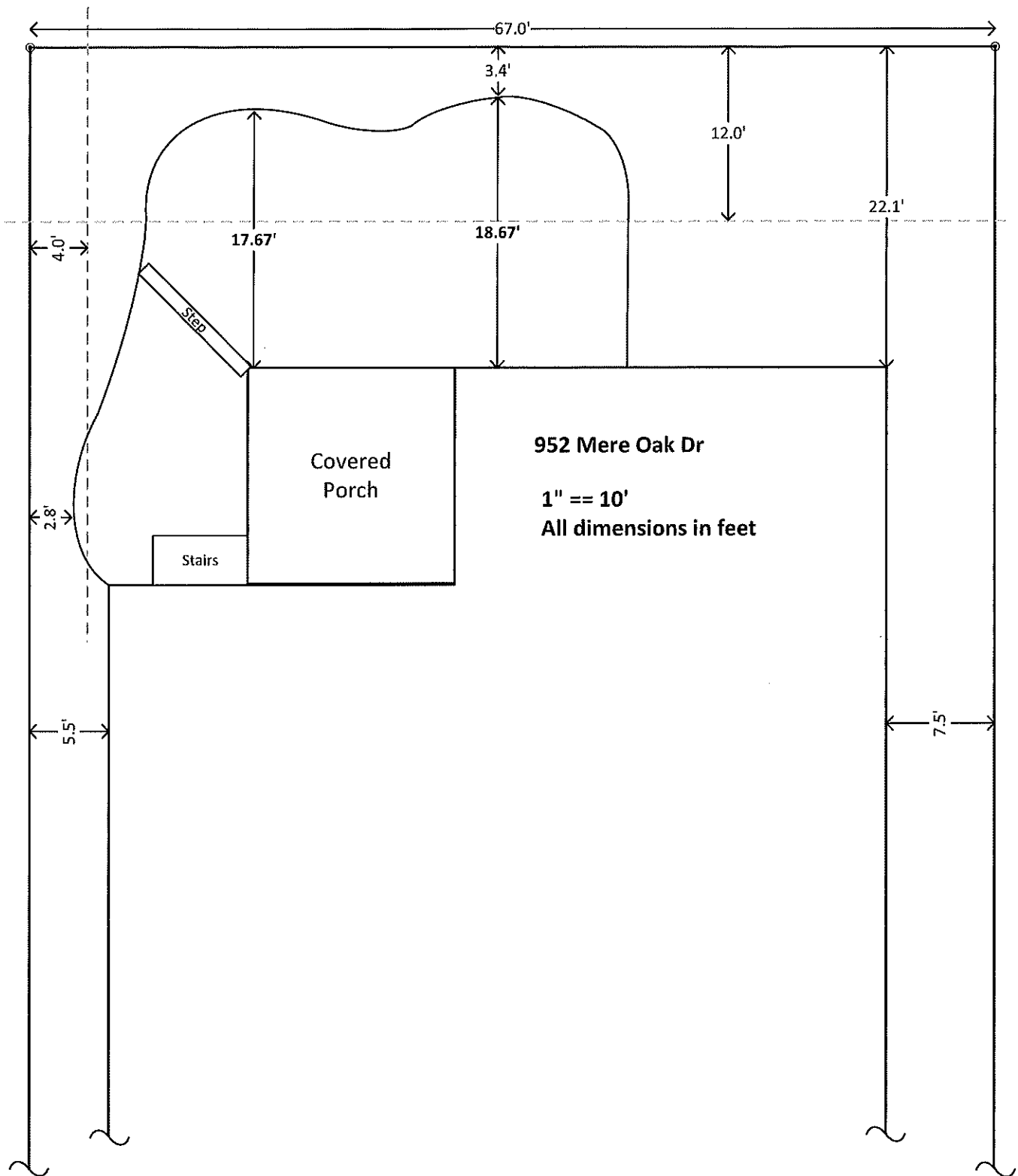
I HEREBY CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION. THIS PLAT DOES NOT CONFORM TO CG-47-30 AS AMENDED AND IS INTENDED FOR MORTGAGE CLOSING PURPOSES ONLY, NOT FOR RECORDATION. THE DIMENSIONS SHOWN HEREON FROM THE PROPERTY LINES TO THE BUILDINGS ARE NOT INTENDED TO ADJUSTMENT THE PROPERTY LINES OR TO GUIDE IN THE ERECTION OF FENCES OR ANY OTHER IMPROVEMENT. THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PURPOSE AGREED TO BETWEEN THE CLIENT AND SURVEYOR EXCEEDS THE SCOPE OF ENGAGEMENT.



Waide
WADE A. GOWERS, PLS L-4639

DATE: 03/28/2017 SEAL: 1"=30' DRAWN: cal CHECK: [initials] FILE: PFD-14-01H

*CW8
John
L. Com*



PIN	Owner	Mail Address 1	Mail Address 2
1708105133	MANORS AT OLD LEAD MINE HOMEOWNERS ASSOCIATION INC	1225 CRESCENT GRN STE 250	CARY NC 27518-8119
1708106746	TOMEI, MARILYN TOMEI, JOHN	8436 LOCHWIND RUN	RALEIGH NC 27615-4965
1708106824	MCDEVITT, ROBERT M MCDEVITT, JUDITH M	8440 LOCHWIND RUN	RALEIGH NC 27615-4965
1708106949	SOMICH, MICHAEL L SOMICH, ROSEMARY W	960 MERE OAK DR	RALEIGH NC 27615-4963
1708107821	OLIPHANT, ALAN KEITH OLIPHANT, JANIE E	957 MERE OAK DR	RALEIGH NC 27615-4963
1708107891	PULTE HOME COMPANY, LLC	1225 CRESCENT GRN STE 250	CARY NC 27518-8119
1708107919	BAGLIO, MICHAEL G. SR. TRUSTEE BAGLIO, JULI A. TRUSTEE	956 MERE OAK DR	RALEIGH NC 27615-4963
1708108861	HENDERSON, PETER R HENDERSON, KAREN L	949 MERE OAK DR	RALEIGH NC 27615-4963
1708108958	ROBERTSON, PATRICIA B ROBERTSON, CARLTON E	948 MERE OAK DR	RALEIGH NC 27615-4963
1708109929	PULTE HOME COMPANY, LLC	1225 CRESCENT GRN STE 250	CARY NC 27518-8119
1708210357	BRE NC SIX FORKS LLC / LIVCOR LLC	233 S WACKER DR STE 4200	CHICAGO IL 60606-6310